

Application ser. no. 09/993,429

**REMARKS**

1. Applicant thanks the Examiner for communicating allowance of claims 21-23, 25-28, and 38-42.

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2. **35 U.S.C. § 112**

Claims 43-44 stand rejected under 35 U.S.C. § 112, 2<sup>nd</sup> ¶ as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention. Claims 43 and 44 have been cancelled from the Application, rendering the present rejection moot.

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3. **35 U.S.C. § 103**

Claims 1-4, 6-10, 14, 16-20 and 29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Lapstun in view of U.S. patent no. 6,577,299 ("Schiller"). Claims 1-4, 6-10, 14, 16-20 and 29 are cancelled from the Application, rendering the present rejection moot.

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Claims 11-13, 15 and 38 stand rejected as being unpatentable over Lapstun in view of Schiller and further in view of U.S. patent no. 5,561,446 ("Montlick"). Claims 11-13, 15 and 38 are cancelled from the Application, rendering the present rejection moot.

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Claims 31-32 and 35-37 stand rejected as being unpatentable over Lapstun in view of U.S. patent no. 6,008, 727 ("Want"). Claims 31-32 and 35-37 are cancelled from the Application, rendering the present rejection moot.

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Applicant makes the above cancellations for the sole purpose of advancing prosecution of the Application, and not for any reasons related to patentability. Said cancellations do not signify Applicant's agreement with the Examiner's position, nor do they indicate an intention to sacrifice claim scope. Applicant reserves the right to pursue patent protection for the invention of a scope it reasonably believes it is entitled to in one or more continuing applications.

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For the record, Applicant respectfully traverses any and all factual assertions in the file that are not supported by documentary evidence. Such include assertions based on findings of inherency, assertions based on official notice, and any other assertions of what is well known or commonly known in the prior art.

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### CONCLUSION

In view of the foregoing, the Application is deemed to be in allowable condition. Applicant therefore respectfully requests reconsideration and prompt allowance of the claims. Should the Examiner deem it helpful, he is urged to contact Applicant's attorney at 650-474-8400.

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Respectfully submitted,



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